a case where A is charged with receiving stolen goods from B to the effect that in the past A had been seen associating with thieves and that on a previous occasion he received other goods from B which may or may not have been stolen. Such evidence has always been held to be inadmissible on the ground that it goes to shew not that the accused has committed the particular offence with which he is charged but that he is the sort of person who is likely to have committed it. I do not think that the evidence in question here can be said to fall within any of the recognised exceptions to the rule.

The wrongful admission of this highly prejudicial evidence would in itself be sufficient to vitiate the conviction which was had on it. There are, however, other grounds on which, apart from this, the conviction cannot stand.

In his Grounds of Judgment the only reason the learned President has given for being satisfied that the documents were under the control of the accused is that "they were found on the driver's seat with accused sitting on the seat."

Now, that statement is not accurate. The documents were not found "on" the seat. They were found "in" the seat. The difference is a vital one. They were not on top of the seat so that the accused must necessarily have been aware of their presence. They were placed between the planks and the gunny sack so that the accused need not necessarily have been aware of their presence and in that connection it is to be observed that they did not constitute a bulky object whose presence could be felt but consisted of three sheets of very thin paper.

I emphasize this point because to my mind it goes to the root of the matter which is that the learned President would seem to have overlooked the consideration that control like possession implies knowledge. For reasons which I discussed in the case of *Public Prosecutor v. Ong Huat Chan & Ors.*[1], which was a case where the accused were charged with having a firearm under their control, it is a little difficult to understand what is meant by having an inanimate object under control. In that case, however, I went on to say :—

"The determination of these questions is one of no small difficulty. I do not, however, consider it necessary to attempt a solution here because the expression occurs in a highly penal statute and whatever shade of meaning is attached to it, a necessary ingredient in the guilt of any person prosecuted under the statute must be knowledge of the existence of the firearm."

The Emergency Regulations have to be interpreted like any other statute and in the absence of anything to the contrary the ordinary rule in criminal cases applies that there can be no guilt without knowledge. It is true that under the portion of the Regulations relating to terrorist documents, the Prosecution are relieved from the necessity of proving knowledge on the part of the accused that documents found under his control are terrorist documents. There is, however, nothing which relieves the Prosecution of the necessity of proving that the accused knew of the existence of the documents. In other words, in the present case it was not sufficient for the Prosecution to prove that the accused was in such a state of physical juxtaposition to the documents that so long as he remained in that position access could not be had to them. It was necessary to prove that he knew they were there.

As I have said, I am not satisfied from the Grounds of Judgment that the learned President appreciated and applied his mind to that vital question. Nor is it a case where the evidence is so clear that it can be said that knowledge is established as a necessary inference from the other facts. The accused was not the regular driver of the lorry. Anyone could have access to it. There were ten other persons in the lorry, including the regular driver, all apparently going to the forest compartment. Moreover, there is the very significant piece of evidence, the significance of which does not seem to have been appreciated, that the innocent letter written by the accused to his female friend, which was presumably intended to be delivered, was not found with the terrorist letters in the seat but was found on the accused's person. The evidence as a whole certainly pointed to one of the persons on the lorry as having knowledge of the letters but considered as a whole I do not think it can be said to point to the accused rather than, for instance, to the woman said to be sitting beside him or to the regular driver.

In all the circumstances of the case, I am compelled to say that the conviction cannot stand. The appeal is allowed. The conviction is set aside and there will be an order of acquittal and discharge.

Appeal allowed.

WONG YIAP LONG & ANOR. v. PUBLIC PROSECUTOR

[A. Cr. J. (Abbott J.) May 2, 1955]

[Seremban — Criminal Appeal No. 2 of 1955]

Betting Ordinance, 1953, ss. 2, 4(1)(c), 12, 13 and 14(1)(d) — Entry of premises on information given to Senior Police Officer — Information not reduced to writing — No prima facie case.

This was an appeal against the conviction of the appellants on charges of assisting in the management of a place used as a common betting house, offences under s. 4(1)(c) of the Betting Ordinance. At the trial, the Senior Police Officer, who led the raid on the premises, stated that he led the raid acting upon information which had been given him by some person orally in the street. He did not give any reason why the information was not

reduced to writing nor did he say that this was not done because the delay would have defeated the ends of justice.

Held: at the end of the prosecution case the evidence was incomplete and therefore the appellants should not have been called for their defence.

MAGISTRATE'S CRIMINAL APPEAL.

R. H. V. Rintoul for the appellants.

L. A. Massie (Federal Counsel) for the respondent.

Cur. Adv. Vult.

Abbott J. : — The two appellants were convicted by the Magistrate of having been found assisting in the management of a place used as a common betting house — an offence contrary to section 4(1)(c) of the Betting Ordinance, No. 47 of 1953. The police raid, led by a senior police officer within the meaning of the definition contained in section 2 of the Ordinance, disclosed that the premises were being used in connection with betting on horse racing and that the appellants were assisting in the management of the premises. The only point for determination is as to whether or not the prosecution had made out a *prima facie* case before the defence was called upon. Before the prosecution closed its case, the senior police officer merely stated that he led the raid acting upon information which had been given to him by some person, orally in the street. Sections 12, 13 and 14 empower the search of premises and the granting of search warrants by Magistrates, Justices of the Peace and Senior Police Officers. Section 14(1)(d) enables premises to be searched without reducing an informer's information to writing where the object of the search would be defeated by the delay. The senior police officer himself did not testify as to whether or not such delay would have defeated the ends of justice, nor did he give any reason as to why the information had not been reduced to writing. At the close of the prosecution case, therefore, the evidence was incomplete and no *prima facie* case had been made out. The appeal must, therefore, be allowed. The fines, if paid, are to be returned to the appellants together with the exhibits.

Appeal allowed.

Solicitors for the appellant: *Shearn, Delamore & Co.*

ER BOON YAN & ORS. v. THE COLLECTOR OF LAND REVENUE, PORT DICKSON

[A. C. J. (Abbott J.) May 4, 1955]
[Seremban — Reference to Court No. 1 of 1955]

Land Acquisition Enactment (Cap. 140) — Principles to be followed in assessing value of lands acquired.

The lands in question in this case were acquired by the Negri Sembilan State Government under the Land Acquisition Enactment. The Collector of Land Revenue assessed the land and subsequently there was a reference to Court under s. 22(ii) of the Enactment.

Held: (1) the Collector was wrong in valuing the land solely upon the value of the rubber on the land and not upon the land itself and he should have taken account of the potentialities of the land for other purposes; (2) it is never a correct procedure to compensate persons whose lands have been compulsorily acquired, by offering them substantially less than what they have paid for the lands — particularly in the present case where the land had been bought by the applicants so shortly before the acquisition took place and where there was no suggestion that the applicants had speculated on the purchase of the lands on the chance that it could be acquired by the Government.

LAND ACQUISITION.

S. D. K. Paddie for the applicants.

L. A. Massie (Federal Counsel) for the respondent.

Cur. Adv. Vult.

The facts appear sufficiently from the judgment below with which the Assessors, Messrs. R. H. V. Kinloch and Yap Man Tat agreed.

Abbott J. : — On the 11th of August, 1953, the Negri Sembilan State Government acquired eight pieces of land, the property severally of the applicants, under the Land Acquisition Enactment (Cap. 140). The lands in question are set out in the plan attached to the papers in this case. The Collector of Land Revenue assessed the compensation payable as follows:—

$700 an acre in respect of the area "A" shown upon the plan; and
$400 an acre in respect of the other seven pieces of land.

Only one witness was called and the evidence which he gave supported the Collector's valuation of the lands in question. Learned Counsel for the applicants was content to leave it to the Court and Assessors to determine the claim by reference to the papers filed in the case.

As regards the area marked "A" on the plan, it appears that this land was bought by applicants 1 and 2 on the 1st of June, 1951 — some two years before the acquisition and the price paid for it was $27,900, which is $450 an acre. The Collector assessed the value of this land at $700 an acre. Now, these applicants have put in a substantial claim of $39,764 in respect of natural upkeep (mistakenly called "improvements" in the documents) said to have been made to the land in question. The Assessors and I are firmly of the opinion that this claim is exaggerated; that being so, there is no necessity to go into the details of it and we are of opinion that a reasonable cost of such upkeep would not have amounted in all to more than $250 an acre for 18 months, that is, $15,500. In our view the Collector's valuation was not unreasonable and, therefore, we award compensation at $700 an acre together with $15,500 in respect of the cost of upkeep — the total being $58,900.

As regards the remaining pieces of land, these were all acquired shortly before the acquisition and some of the applicants were in possession for only 7½